

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled INDWELLING HEAT EXCHANGE CATHETER AND METHOD OF USING SAME, the specification of which

(check one)    ☒ is attached hereto  
                   ☐ was filed on \_\_\_\_\_  
                                   as US Application Serial Number or PCT International Application Number \_\_\_\_\_  
                                   and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

## Priority Not Claimed

_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)
_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)

☒☐

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

<u>None</u>	_____
(Application Number)	(Filing Date)
_____	_____
(Application Number)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designation the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

None

(Application Number)

(Filing Date)

(Status -patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status -patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Richard L. Myers, Registration No. 26,490

Address all telephone calls to **Richard L. Myers** at telephone number **(949) 450-1750**

Address all correspondence to **Richard L. Myers**  
**100 Pacifica, Suite 210**  
**Irvine, California 92618**

09/13/01 "E" FILED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor (given name, family name) WAYNE A. NODA

First Inventor's signature Wayne A Noda Date 8-13-98  
Residence Mission Viejo, California Citizenship U.S.A.  
Post Office Address 28072 Paseo Rincon, Mission Viejo, California 92692

Full name of second joint inventor (given name, family name) MIKE L. JONES

Second Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Capistrano Beach, California Citizenship U.S.A.  
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Full name of third joint inventor (given name, family name) SCOTT M. EVANS

Third Inventor's signature Scott M Evans Date 8/13/98  
Residence Santa Ana, California Citizenship U.S.A.  
Post Office Address 1252 Country Hills Drive, Santa Ana, California 92705

Full name of fourth joint inventor (given name, family name) BLAIR D. WALKER

Fourth Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Lake Forest, California Citizenship U.S.A.  
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Full name of Fifth joint inventor (given name, family name) WILLIAM J. WORTHEN

Fifth Inventor's signature William J Worthen Date 8-13-98  
Residence Coto de Casa, California Citizenship U.S.A.  
Post Office Address 37 Oakbrook, Coto de Casa, California 92679

CAZA<sup>15</sup> CAZA<sup>18</sup>

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Applicant or Patentee: Wayne A. Noda, et al.  
Serial or Patent No.: To be assigned  
Filed or Issued: Herewith  
Title: INDWELLING HEAT EXCHANGE CATHETER AND METHOD OF USING SAME

Docket No.. CA-5740-NP

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(e))—SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Neuroperfusion, Inc.  
ADDRESS OF SMALL BUSINESS CONCERN 5 Jenner, Suite 150, Irvine, California 92618

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention,

entitled: Indwelling Heat Exchange Catheter and Method of Using Same  
by inventor(s): Wayne A. Noda, Mike L. Jones, Scott M. Evans, Blair D. Walker and William J. Worthen  
described in

☒ the specification filed herewith

- ☐ application Serial No. \_\_\_\_\_  
☐ filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_  
☐ issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Scott M. Evans  
TITLE OF PERSON IF OTHER THAN OWNER Vice President, Research & Development  
ADDRESS OF PERSON SIGNING 5 Jenner, Suite 150, Irvine, California 92618

SIGNATURE

Scott Evans

DATE

8/13/98

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